IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 14536 of 2007(E)

PETITIONER:

S.B.SYAMKUMAR, CASHIER,
NEDUMANGAD CO-OPERATIVE URBAN BANK LTD.NO.3193,
NEDUMANGAD P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.B.S.SWATHY KUMAR
SRI.K.C.BALAKRISHNAN

RESPONDENTS:
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1. STATE CO-OPERATIVE UNION KERALA,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. CO-OPERATIVE TRAINING CENTRE,
REPRESENTED BY ITS PRINCIPAL, KURAVANKONAM,
KOWDIAR P.O., THIRUVANANTHAPURAM.

BY ADV.SRI.T.R.HARIKUMAR, SC FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE ANNA TECHNOLOGY UNIVERSITY DTD. 9-2-2005**
EXT.P2	**TRUE COPY OF THE COMMUNICATION ISSUED BY THE GOVT. OF INDIA**
EXT.P3	**TRUE COPY OF THE WRITTEN OBJECTION FILED BY THE PETITIONER BEFORE R1**
EXT.P4	**TRUE COPY OF THE ORDER DTD. 2-5-07 OF THE FIRST RESPONDENT.**

RESPONDENT'S EXHIBITS

ANNEXURE 1	**TRUE COPY OF THE LETTER NO.H3/69353/06 DTD. 14-11-06**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.14536 OF 2007

Dated this the 7th day of June, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is working as Cashier in Nedumangad Co-operative Urban Bank. He was originally appointed as peon in the bank under the dying-in-harness scheme consequent on the death of his father. He is having 24 years and 8 months service. He passed the secondary certificate course conducted by the Ana Technological University. Ext.P1 is the certificate issued by the Anna Technological University. Ext.P2 is the communication issued by the Government of India under the Ministry of Human Resources Development which reads as follows:

> " I am directed to your letter no ATU/04/1524 dated 7th Jan 04, regarding Reorganisation of Degree/Diploma/Certificates issued by Anna Technological University, Raipur (Chhattisgarh). It

is to say that Degree/Diploma/Certificates & Pre-University (10th & 10+2) Courses awarded by a University for which it is recognised or authorised as reacquired by any law does not require any separate recognition.

Your University being established under State Act(Chhattisgarh notified by Gazette notification no E-73-212/03/HE/38 dated 10/10/2003 under Chhattisgarh Niji Ksheatra Vishawavidalaya (Sthapana and Viniyaman) Adhiniyam 2002 (No-2 of 2002). Degree/Diploma/Certificate including pre-university (10th & 10+2) courses issued by Anna Technological University Raipur (Chhattisgarh) stands automatically recognised for the purpose of employment under Central/State Government, for Higher Studies in India and Abroad.

2. Case of the petitioner is that the first respondent established by the Government of Kerala is a statutory entity imparting training in various courses. It invited application for admission to Junior Diploma in Co-operation, known as JDC for the course commencing in June 2007. Basic qualification for being

admitted in the course is SSLC or equivalent. According to the petitioner, the qualification which the petitioner possesses is equivalent to SSLC.

3. In the statement filed on behalf of the first respondent. it is stated as follows:

> " The petitioner is working as cashier in Nedumangad Co-operative Urban Bank Ltd. No. 3193. The first respondent invited applications for admission to JDC course commencing in June, 2007. The minimum qualification required for admission to the JDC course is SSLC. The qualification of the petitioner is secondary certificate course from Anna Technology University, Raipur. The 2nd respondent is identical matter have referred the same to the Director of Public Instruction, Kerala for obtaining clarification whether the secondary certificate course from Anna Technology is equivalent to SSLC issued by Government of Kerala. It is submitted on behalf of this respondent that Raipur Anna Technological University is not included in the records in the office relating to the equivalency certificate. Hence it is

prayed that the petitioner is not entitled to any reliefs sought in the writ petition."

4. I heard the learned counsel for the petitioner and the learned counsel for the first respondent also.

5. Learned counsel for the petitioner submits that it is a hard case where petitioner has been working since 1982 and persons even with one year service are being admitted to the course. He submits that having regard to the terms in Ext.P2 there cannot be any doubt that the qualification possessed by the petitioner must be treated as equivalent to SSLC. Learned counsel for the first respondent reiterates the contention taken in the statement.

What is stated in Ext.P2 is only that the certificate issued by the Anna Technological University stands automatically recognised for the purpose of employment under the Central/State Government and higher studies in India and Abroad. Admittedly petitioner does not have SSLC and he can claim admission only if

he possesses a qualification which is treated as equivalent. Going by Ext.P2 all that it says is that the certificate (Ext.P1) possessed by the petitioner is to be recognised for the purpose of employment and higher studies. It cannot be relied upon to establish that the certificate possessed by the petitioner is equivalent to SSLC qualification. They are two different concepts in my view. If that be so, much as I may sympathise with the condition of the petitioner, I feel myself disabled by the requirement for admission to the course. Even though learned counsel for the petitioner would submit that Ext.P2 was not considered by respondents, I feel that no purpose will be served by directing that the matter to be looked into by the respondents. Writ petition fails and it is dismissed.

K.M.JOSEPH
JUDGE

sv.